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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PETER SANTOS MURILLO,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

CASE NO. C22-0230JLR

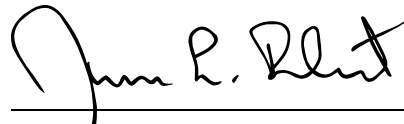
ORDER

15 Before the court is pro se Petitioner Santos Peter Murillo's "motion for relief from
16 judgment pursuant to Federal Rule of Civil Procedure 60(b)." (Mot. (Dkt. # 1).) Mr.
17 Murillo asks the court for relief from the judgment of conviction in his criminal matter
18 and requests a new trial or resentencing based on newly discovered evidence. (*Id.* at 1;
19 *see United States v. Murillo*, No. CR16-0113JLR (W.D. Wash.).)

20 The court construed Mr. Murillo's Rule 60(b) motion as a second or successive 28
21 U.S.C. § 2255 motion and referred it to the Ninth Circuit Court of Appeals for
22 certification pursuant to 28 U.S.C. § 2255(h). (*See* 3/8/22 Order (Dkt. # 4)); *see United*

1 *States v. Lopez*, 577 F.3d 1053, 1061 (9th Cir. 2009) (holding that absent certification by
2 the Ninth Circuit, “the district court lacks jurisdiction to consider [a] second or successive
3 application” for relief under § 2255). On May 20, 2022, the Ninth Circuit issued an order
4 in which it (1) held that this court correctly construed Mr. Murillo’s Rule 60(b) motion as
5 a disguised § 2255 motion and (2) denied Mr. Murillo’s request for authorization to file a
6 second or successive § 2255 motion. (9th Cir. Order (Dkt. # 5).) As a result, this court
7 lacks jurisdiction to consider Mr. Murillo’s § 2255 motion, *see Lopez*, 577 F.3d at 1061,
8 and DENIES the motion (Dkt. # 1) with prejudice.

9 Dated this 3rd day of June, 2022.

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12 JAMES L. ROBART
13 United States District Judge
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